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Kunihiko Fukui

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* KUNIHICO FUKUI

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Appeal 2010-002481  
Application 09/902,711  
Technology Center 2600

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Before ALLEN R. MACDONALD, CARLA M. KRIVAK, and  
THOMAS S. HAHN, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

Appellant's appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1-18.<sup>2</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

<sup>2</sup> An oral hearing was held March 10, 2011

## STATEMENT OF THE CASE

Appellant's claimed invention is an oil exchange timing indicating apparatus for informing a user as quickly as possible of the degree of degradation of engine oil when either an integrated value of the travel distances or an integrated value of operation times exceed a preset value. (Abstract).

Independent claim 1, reproduced below, is representative of the subject matter on appeal.

1. An oil exchange timing indicating apparatus for a vehicle, comprising:

odometer means for integrating travel distances of the vehicle;

operation time integrator means for integrating operation times of an engine mounted on the vehicle;

oil exchange informing means for informing a user of exchange timing of oil; and

controlling means for starting, when either an integrated value of the travel distances or an integrated value of the operation times, based on signals from said odometer means and said operation time integrator means exceeds a preset value, said oil exchange informing means to inform the user of the exchange timing of oil.

## REFERENCES and ANALYSIS

The Examiner rejected claims 1-18 under 35 U.S.C. § 103(a) based upon the teachings of McDonald (US 6,327,900 B1) and Raffa (US 5,382,942).

The Examiner finds McDonald discloses determining engine revolutions over a predetermined interval. The Examiner submits although

“counted revolutions do not specifically ‘equate’ with time of operation, the use of time would have been obvious since McDonald” measures revolutions over a period of time (Ans. 5)

Appellant contends the predetermined interval recited in McDonald and relied on by the Examiner is “simply a time period during which an assessment of engine revolutions, engine oil temperature and engine oil contamination is performed.” Thus, Appellant asserts, the assessments performed during the time interval “do not yield data reflecting the time that the engine has been in operation.” (App. Br. 8, 11, and 13). We agree. Thus, McDonald does not suggest operation time integrator means and controlling means starting an oil exchange informing means when an integrated value of operation time or an integrated value of travel distances exceed a preset value (App. Br. 13). Raffa does not cure these deficiencies. Therefore, claims 1-18 are not obvious over the combination of McDonald and Raffa.

### DECISION

The Examiner’s decision rejecting claims 1-18 is reversed.

### REVERSED

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